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March 8, 2023

Hon. Kenneth M. Karas
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

Re: ***United States v. Nicholas Tartaglione***
16 Cr. 832 (KMK)

We write to ask the Court to add the following questions to the voir dire.

First, The Government now agrees that the Court should ask about race/ethnic bias but suggests an innocuous question that overlooks the race and ethnic issues present in the case. Our client is a white former police officer charged with brutally murdering 4 Mexican immigrants and then allegedly made a disparaging comment, not about them individually, but about their ethnicity, “F... Mexicans.” While we dispute that the comment was made, the jury will hear it. We ask that the Court ask the question as follows:

“You will hear that Mr. Tartaglione, a white male, allegedly participated in the killing of 4 Mexican immigrants. Is there anything about the race or ethnicity of Mr. Tartaglione or the victims that would raise a question about your ability to fairly and impartially evaluate the evidence and render a just verdict according to the law as I instruct you?”

Next, both parties agree that the Court should ask about hearing testimony through an interpreter. We suggest the following.

“Some of the witnesses will testify with the aid of an interpreter. Does anyone here speak Spanish? If so, can you assure the Court and the parties that you will accept the interpretation provided by the official, certified court interpreter, even if you believe the witness said something different than what was translated?”

“Would anyone else have any problem fairly and impartially evaluating the testimony of a witness who provides testimony through an interpreter?”

Respectfully submitted,

/s/Bruce Barket

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